

REMARKS

1. Preliminary Remarks

a. Status of the Claims

Claims 1-11 and 13-22 are pending in the application, of which claims 1-11 and 13 are under active consideration. Claims 1, 2, 6 and 10 are amended. Applicant respectfully requests entry of the remarks and amendments made herein into the file history of the application. Upon entry of the amendments, claims 1-11 and 13-22 will be pending, of which claims 1-11 and 13 will be under active consideration.

b. Amendments to the Claims

Claims 1 and 2 are amended to remove thiazoyl and imidazolyl as optional R^4 and R^5 groups when R^4 or R^5 is chosen from a 5- or 6-membered hetaryl moiety of group 3. Claims 6 and 10 are amended to recite the inadvertently omitted phrase that group 2 of R^4 and R^5 is “phenyl or naphthyl, which are each substituted with R_Q^2 , R_Q^3 and R_Q^4 , wherein R_Q^2 , R_Q^3 and R_Q^4 each independently of one another represent a substituent from the following group...” Support for these amendments can be found throughout the specification and claims as originally filed, for example, at pages 5-24. No new matter is added through these amendments.

2. Patentability Remarks

a. 35 U.S.C. § 102(b)

On page 2 of the Office Action, claims 1-5, 7-9, 11 and 13 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,560,690 (hereafter, “Reiter”). The Examiner asserts that Reiter discloses compounds falling within the scope of instant formula (I) wherein W is W1 where A is Cl or OCH_3 ; B is H; R_W^1 is H; Z is $(CH_2)_{1-3}$; R^1 , R^2 , and R^3 are H; and Q is Q1 where E is S; and R^4 is H (group 1) and R^5 is 5-imidazolyl (group 3) or vice versa. In particular, the Examiner points to the last five compounds listed in the table in columns 11 and 12 of Reiter, and asserts that said compounds anticipate the instant claims.

The claims have been amended to remove thiazoyl and imidazolyl as optional groups for R^4 and R^5 . Accordingly, Applicant submits that the skilled artisan will recognize that the Reiter compounds do not fall within the scope of the instant claims because neither of instant R^4 or R^5 can be thiazoyl or imidazolyl, as is required by the Reiter compounds. In view thereof, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-5, 7-9, 11 and 13 under 35 U.S.C. § 102(b).

3. Conclusion

Applicant respectfully submits that the instant application is in good and proper order for allowance and early notification to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the instant application, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,

POLSINELLI SHUGHART PC

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On behalf of: Lisa V. Mueller
Registration No. 38978

By: /Paul A. Jenny/
Paul A. Jenny
Registration No. 59014
Customer No. 89399

POLSINELLI SHUGHART PC
161 N. Clark St., Ste. 4200
Chicago, IL 60601
312.819.1900 (main)
312.873.3620 (direct)